

PROGRESS REPORT #6

Comm 10 CODE REVISION COMMITTEE

DATE: Thursday, July 19, 2001

TIME: 9:00 – 2:30

PLACE: Conference Room 3C, Thompson Commerce Center, Madison, WI

COMMITTEE MEMBER ATTENDANCE:

Bob Bartlett	Present*
Tim Clay	Present
Bob Elvert	Present
Paul Knower	Present
Dick Marx	Present
Dave Reinke	Present
Erin Roth	Excused
Fred Schultz	Present
Dale Safer	Excused

STAFF ATTENDANCE:

Sheldon Schall, ERS Div. (608)266-0956

Bob Bertram, ERS Div. (715)345-5269

Mark Bennett, ERS Div. (608)266-8981

John Lippitt, Safety & Buildings Div. (608)266-1036

Duane Hubeler, Administrative Services Div. (608)266-1390

Ron Buchholz, ERS Div. (608)266-1817

VISITORS:

*Don Gallo Petroleum Marketers Association of Wisconsin, alternate

ADMINISTRATIVE ISSUES:

The meeting was called to order at 9:00 by Sheldon Schall. Introductions were made and the progress report from 4/19/01 was approved.

OVERVIEW OF PROPOSED INTERIM RULE CHANGE:

Duane Hubeler distributed the public hearing draft of proposed rule changes and discussed the changes made to the draft since the last meeting. The changes are summarized below:

- There was a change to the definition of "owner" in s. Comm 10.01 (65);
- A 60-business-day limit was added for department decisions on material approval applications;
- Used crankcase oil will now be treated as a class IIIB combustible liquid (as opposed to the current IIIA classification);
- Vehicle collision protection requirements have been added under a new s. Comm 10.347;
- Table 10.415 specifying setbacks for aboveground motor vehicle fueling tanks has been repealed and recreated; and
- The adopted NFPA standards that the building code shares with Comm 10 will be updated so both codes adopt the same editions.

The hearing was held on Wednesday, August 15 in Madison. The written comment period extends through Friday, August 31, 2001.

NATIONAL STANDARDS:

Ron Buchholz, acting Deputy Division Administrator for the ERS Division, made a short presentation and led a brief discussion on the use of national standards as the base documents for developing chapter Comm 10. He noted that the Wisconsin Flammable and Combustible Liquids Code (chapters Ind 8, ILHR 10 and now Comm 10) has historically been based on the adoption of the various National Fire Protection Association (NFPA) standards.

The Department of Commerce recently has proposed the use of the International Building Code (IBC) as the base document for the new Wisconsin commercial building and multi-family dwelling code for design and construction. Wherever the IBC references the International Fire Code (IFC) as it relates to design and construction, the IFC requirements will apply. The IFC in total will not be adopted by reference in the new Wisconsin Building Code. The second part of the proposal is that the NFPA 1 Fire Prevention Code will be used as the base document for chapter Comm 14 (the Wisconsin Fire Prevention Code) for operation and maintenance.

At the time the Comm 10 Code Revision Committee was formed, the Commerce building and fire code proposal was not yet finalized. Therefore, the request for consideration of the IBC, IFC and NFPA codes was not made to this committee. Now that the building and fire code proposal has been made, Commerce would like the Comm 10 Committee and its sub-committees to consider adoption of the IBC for design and construction of flammable and combustible liquids storage and dispensing facilities and NFPA 1 for operation and maintenance.

It was noted that the IBC/IFC adopts the primary NFPA Standards (30 and 30A) relating to flammable and combustible liquids, but also includes other requirements as well. NFPA 1 has rules that may be

applied to the operation and use of flammable and combustible liquids facilities that may be considered by the committee. It was also noted that several of the Comm 10 sub-committees have experienced difficulty in drafting preliminary rules for consideration. The IFC contains provisions which address several of these topic areas, such as marine and aircraft fueling and hazardous liquids. To assist the Comm 10 Committee and its sub-committees, copies of the IFC were distributed for their review and consideration. Copies of NFPA 1 will be provided at the next council meeting.

REVIEW OF NISTM & EPA-NGA CONFERENCES

Sheldon Schall reviewed 2 recent conferences he attended. These conferences are helpful to get an overview of national trends and concerns on flammable & combustible liquid regulation. The conferences were sponsored by the National Institute for Storage Tank Management (NISTM) and the Environmental Protection Agency and National Governor's Association (NGA). Among the hot topics that are receiving national attention are:

- Airport hydrant leak detection;
- Qualifications and certifications for ultrasonic and corrosion protection testers;
- The use of mobile tanks for vehicle fueling;
- The use of marinas and motorized barges for watercraft fueling;
- The concept of requiring all AST components to be aboveground;
- The concept of requiring all UST components to be double-walled;
- The concept of requiring all leak detection and overfill prevention components to have self-diagnostic capabilities;
- More oversight of corrosion protection design and installation; and
- Issues with tank lining and lining repair.

SUBCOMMITTEE ISSUES:

Aircraft Fueling Subcommittee

Fred Schultz presented this subcommittee's recommendations in the form of several handouts. Included in the handouts are recommendations for scope and definitions, adopted national standards, hydrant leak detection, and general fuel storage, dispensing and defueling requirements. These recommendations will be put into standard code language and discussed in detail at future meetings.

Waste Oil Subcommittee

Don Gallo outlined some basic principles agreed upon by this subcommittee:

- Costs must be kept low to encourage compliance;
- The use of tanks must be encouraged, while the use of drums must be discouraged;

- The proposed change to classify waste oil as a class IIIB combustible liquid is a positive step;
- The SPCC rules should be sufficient for outdoor secondary containment; and
- No secondary containment in excess of tank capacity should be required for indoor storage.

Farm Tanks Subcommittee

Don Gallo presented the final recommendations of this subcommittee. The recommendations include installation and inspection requirements along with fees and a registration form to be filled out by the installer and submitted to the Department of Commerce. These recommendations will be put into standard code language and discussed in detail at future meetings.

ISSUES RELATING TO TANK LINING

Sheldon Schall distributed department recommendations for rule changes relating to relining of tanks. These recommendations include:

- Clarifying the difference between the initial lining of the tank and a repair to the lining;
- Advance notification requirements so an inspector can determine the condition of the tank prior to relining;
- Better documentation; and
- Requirements for regular inspections to determine the continued integrity of the lining.

These recommendations will be put into standard code language and discussed in detail at future meetings.

NEXT MEETING: The next meeting of the full Comm 10 Committee is scheduled for **Wednesday, September 26** at a location yet to be determined. Please mark your calendars.